HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.8450 of 1999

Dated 4th day of April, 2007

Between:

M. Adivi Lingam Goud ..
Petitioner

And

The Government of A.P.
Rep. by its Secretary, Irrigation Dept.,
Secretariat, Hyderabad
and three others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents 1 to 3 in not taking action against the 4th respondent in pursuance of the Memo dated 19.3.1999 issued by the 3rd respondent, as arbitrary and illegal.

The facts of the case in brief are that the petitioner purchased agricultural lands admeasuring Ac.1.17 guntas in S.No.104, Ac.1.37 guntas in S.No.105 and Ac.2.05 guntas in S.No.107 situated in Brahmanpalli village, Medak District, under a registered sale deed and even before the purchase there exists a bore well in the lands. Later, the Government issued pattadar passbook in his favour and he is in peaceful possession and enjoyment of it. The Government also issued instructions to the revenue authorities stating that unless and until any neighbouring land owner obtains permission from the Revenue Divisional Officer, he cannot dig a bore well in his land. Now, his grievance is that the 4th respondent, who has got the land adjacent to the petitioner's lands, dug a bore-well contrary to the instructions of the Government.

Heard the learned counsel for both the parties.

In spite of the fact that notices are served on the respondents, they have not chosen to file counter affidavit.

In view of the fact that this Court, on 20.4.1999, while ordering Rule Nisi, directed respondents 2 and 3 to take immediate action against the 4th respondent in terms of Memo dated 19.3.1999, no further orders need be passed in this writ petition. However, if no action, in pursuance of the interim orders has been initiated so far, the respondents 2 and 3 are hereby directed to take action forthwith in terms of the Memo dated 19.3.1999.

With the above direction, the writ petition is disposed of. No costs.

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04.04.2007

bcj